

REMARKS

Claims 17 to 46 are presently in the application; claims 17 to 24 stand withdrawn as being directed to a method; apparatus claims 35 to 39 and 45 and 46 stand provisionally withdrawn from consideration as being directed to an unelected species. It is believed that claim 25, at least, is generic to all species and embodiments.

Claims 25 to 33 and 41 to 44 stand rejected under 35 USC §102(b) as being anticipated by Lavielle (U.S. Patent No. 4,514,882). Claim 34 stands rejected under 35 USC §103(a) as being unpatentable over Lavielle in view of Turturro et al (U.S. Patent No. 6,331,165).

Reference Lavielle sets forth a device for retaining in sided-by-side relationship flexible tying means such as shoelaces, the device comprising two relatively rigid clamping members and a relatively flexible linking member joining them while permitting the clamping members to be folded so as to lie one against the other so as to firmly retain the flexible tying means in side-by-side relationship between them. A locking section locks together the clamping members in the closed position. One clamping member provides an array of projections or pins 10, and the other clamping member provides a complementary array of notches 11 to receive therein a portion of the respective projections upon closure. The pins 10 are preferably sharply pointed to penetrate the flexible tying means or shoelaces to which the device is affixed. Alternatively, the reference sets forth that projections 10 may be ribs transverse to the direction of the shoelaces, and the notches 11 may be grooves. The locking section comprises a locking protrusion or widened head pin 7 on one clamping member, that is received into a corresponding hole 8 on the other clamping member, to secure the clamping members together in such a manner that the device cannot be manually unlocked and opened, requiring instead the use of a special tool. Further, the locking pin 7 and the hole 8 are disposed on respective end portions of the clamping members that are severable at linking members 6.

With respect to claims 25 and 40, the reference does not set forth that the locking protrusion is releasably lockable to the corresponding locking section. Therefore, the reference does not anticipate all the limitations of the claim, and the rejection is respectfully traversed.

With respect to claim 26, the reference does not set forth a recessed area in the top face of one clamping member for receipt therein of an object to be secured. Instead, the top face is

planar and the reference discloses an array of notches into which an object to be secured is not receivable but only the projections of the other clamping member; regarding claim 28, the reference also does not disclose a rib extending from such a recessed area.

With respect to claim 29 (as amended), the reference does not set forth that the top face of the other clamping member includes a recess therein for receipt of a member to be secured, but only spaces between projections while the top face is planar; regarding claim 31, the reference also does not disclose a rib extending from such a recessed area; with respect to claim 44 (as amended), the reference does not disclose that the locking protrusion is adapted biased toward the hinge permitting manual deflection thereof for release.

Reference Turturro et al set forth a biopsy instrument having irrigation and aspiration capabilities, that includes a proximal actuation handle, an elongate flexible member, and a distal assembly. The proximal actuation handle is shown to include a ring for manual gripping thereof for manipulation to actuate the actuation device. Another ring for manual gripping is disclosed on handle portion 52 of sample catch member 44.

With respect to claim 34, references Lavielle and Turturro et al have been discussed, and reference Lavielle distinguished. Claim 34 depends from claim 25 which is believed to distinguish patentably over the art, and is therefore itself believed to so distinguish. However, the Office Action's assertion in paragraph 8 that the second portion of Lavielle could comprise a gripping ring for the purpose of easier handling of the clamp by using fingers to clasp and unclasp the device, is respectfully traversed to the extent that the Office Action implies that Lavielle discloses that its device is able to be manually clasped and unclasped.

Further regarding reference Lavielle, it is believed that the artisan of routine skill would understand that the disclosure of the reference is completely unsuitable for use with catheters or tubing, since the projections or pins 10 would be likely to penetrate the catheter or tubing, thus ruining the catheter or tubing. Even if the projections were ribs as mentioned as an alternative form, the ribs of the device would seem to so press into the catheter or tubing as to occlude the tubing, not simply hold the tubing, again being unsatisfactory for any uses where occlusion is not desired. Therefore, reference Lavielle by its express teachings is unsuitable for use as a reference under 35 USC §103.

The remaining references cited by the Office Action but not applied, are acknowledged and have been reviewed.

No new matter has been entered by the present amendment, and allowance of the application is respectfully requested.

Respectfully submitted,

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